

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/27/2023

JACQUELINE CLAY,

Plaintiff,

-against-

EXPERIAN INFORMATION SOLUTIONS, INC.,  
EQUIFAX INFORMATION SERVICES, LLC,  
TRANS UNION LLC, KOHLS DEPARTMENT  
STORES, INC., BURLINGTON STORES, INC.,  
and NISSAN NORTH AMERICA, INC.,

Defendants.

1: 23-cv-07562-MKV

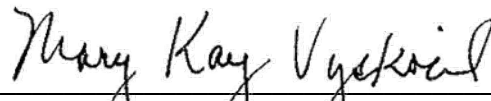
ORDER OF DISMISSAL AGAINST  
DEFENDANT KOHLS  
DEPARTMENT STORES, INC.

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of a letter filed by Plaintiff informing the Court that Plaintiff and Defendant Kohls Department Store, Inc. (“Kohls”) **only** have reached a settlement in principle [ECF No. 52]. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued against Defendant Kohls **only** without costs to either party and without prejudice to restoring the action against Defendant Kohls to this Court’s calendar if Plaintiff and Defendant Kohls are unable to memorialize their settlement in writing and as long as the application to restore the action is made by January 27, 2023. If no such application is made by that date, today’s dismissal against Defendant Kohls **only** is with prejudice. *See Muze, Inc. v. Digital On Demand, Inc.*, 356 F.3d 492, 494 n.1 (2d Cir. 2004).

**SO ORDERED.**

**Date: December 27, 2023**  
**New York, NY**

  
\_\_\_\_\_  
**MARY KAY VYSKOCIL**  
**United States District Judge**